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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER				
CASTELLANO, STEPHEN J				
ART UNIT		PAPER NUMBER		
3781				
MAIL DATE		DELIVERY MODE		
02/23/2010		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary**Application No.**

10/511,567

Applicant(s)HOOGLAND, HENDRICUS
ANTONIUS**Examiner**

/Stephen J. Castellano/

Art Unit

3781

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 December 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14, 17, 18 and 22 is/are pending in the application.
- 4a) Of the above claim(s) 7 and 18 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 8-14, 17 and 22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Claims 15, 16 and 19-21 have been canceled. Claims 1-14, 17, 18 and 22 are pending.

Claims 7 and 18 stand withdrawn from further consideration pursuant to 37 CFR

1.142(b), as being drawn to a nonelected specie, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on June 4, 2009.

Re claims 6, 8 and 11, an equilateral triangle has three equal sides wherein all of the angles are 60 degree angles. The figures disclose right triangles (with one 90 degree angle) which are not equilateral triangles.

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claim 22 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claim 22 identifies rigid panels. There is no indication in the original disclosure that rigid panels were present.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-6, 8-12 and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Potts et al. (6206224) (Potts).

Potts discloses a collapsible container manufactured from plastic (NYLON) having a plurality of compartments, each compartment has a structure which reads on the collapsible container limitations, each compartment is manufactured from plastic having integrated hinges, the container has two rigid sidewalls (110, 112), two flexible foldable sidewalls 116, 118 and flexible bottom 120. The sidewalls are pivotally connected to each other and the bottom.

A product claim is limited by a method of making limitation (like injection molding) only insofar as that method limitation defines a structural modification. Injection molding doesn't structurally modify the container and it doesn't state or infer a thickness of the material as both thick (rigid panel) materials and thin (pliable) materials can both be made by injection molding. Therefore, Potts doesn't need to indicate injection molding.

The folding lines or hinge elements similar to those claimed are clearly shown in Fig. 1-6 and 8 of Potts.

Claims 1, 2 and 22 are rejected under 35 U.S.C. 102(b) as being anticipated by Hupp et al. (6315151) (Hupp).

Hupp discloses a collapsible container manufactured in one-piece through injection molding (the container 10 without the struts), the first sidewalls 20 have a first hinge element attaching the first sidewall to the bottom, a second hinging element attaching the first sidewall to a second sidewall and a third hinging element running longitudinally, the hinging elements are creases in otherwise rigid panels.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Potts in view of Coughlin et al. (4014292).

Potts discloses the invention except for the ability to contain liquid or a water-tight construction. Coughlin teaches a collapsible container made with a water-tight construction. It would've been obvious to modify the construction to be water-tight to allow spills or leakage to be contained within Potts' collapsible container so that a surface or car trunk doesn't become soiled with the leakage or spillage.

Re claim 14, a living hinge wherein the hinge is molded homogeneously of the same wall material of the container is a type of film hinge. Film hinges of separate construction which are first formed then connected to wall material are well known in the art. It would have been obvious to form a separate film hinge in order to apply a hinge material of first characteristic and quality to a wall panel of second different characteristics and quality to enhance the design by using hinge materials only at the hinge. This eliminates waste and added cost and benefits the design by strengthening the hinge and allowing the wall panel to be strong, light and inexpensive.

Applicant's arguments filed December 3, 2009 have been fully considered but they are not persuasive.

A product claim is limited by a method of making limitation (like injection molding) only insofar as that method limitation defines a structural modification. Injection molding doesn't structurally modify the container and it doesn't state or infer a thickness of the material as both thick (rigid panel) materials and thin (pliable) materials can both be made by injection molding. Therefore, Potts doesn't need to indicate injection molding.

The incentive or motivation to combine Coughlin is clearly stated in the rejection as to prevent leakage and contain spills by making the container water-tight.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to /Stephen J. Castellano/ whose telephone number is 571-272-4535. The examiner can normally be reached on increased flexibility plan (IFP).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony D. Stashick can be reached on 571-272-4561. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Stephen J. Castellano/
Primary Examiner
Art Unit 3781

sjc